

REGULAR MEETING of the Burrillville Town Council held Wednesday, February 25, 2015 at 7:00 P.M. in Council Chambers, Town Building, 105 Harrisville Main St., Harrisville for and within the Town of Burrillville.

PRESENT: Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place

MEMBERS ABSENT: Councilor Donald A. Fox was excused

1. Council President John F. Pacheco III led those present in pledging allegiance to the flag.

2. VOTED to accept the minutes of the regular meeting held February 11, 2015 and the workshop session held February 12, 2015, and dispense with the reading of said minutes.

Motion by Councilor David J. Place. Seconded by Councilor Kimberly Brissette Brown. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

3. Public Comment: None

4. General Good and Welfare of the Town of Burrillville

The Department of Public Works and the Public Safety personnel were commended for their work during recent snow storms.

5. Special Business:

15-045 VOTED to commend Burrillville Extended Care on their BrightStars recognition.

Motion by Councilor David J. Place. Seconded by Councilor Nancy F. Binns. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

15-046 Application from Rev. Peter John Sheehan, Pastor, St. Joseph Church for a victualing license to apply on the dates listed and a Class F liquor license to apply on March 28, 2015 at 183 Sayles Avenue, on property owned by the Diocese of Providence.

VOTED to approve if all stipulations are met.

Motion by Councilor Nancy F. Binns. Seconded by Councilor David J.

Place. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

6. Petitions: None

7. Public Hearing: None

8. Unfinished Business:

14-255 VOTED to open the correspondence from Rhode Island National Guard regarding the Environmental Assessment of RIARNG property in the Buck Hill Management Area.

Motion by Councilor Stephen N. Rawson. Seconded by Councilor David J. Place. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

VOTED to receive and file.

Motion by Councilor David J. Place. Seconded by Councilor Stephen

N. Rawson.

Discussion: It was noted that the correspondence stated: “Burrillville is not a potential site due to the density of wetlands and a lack of buildable space.” Michael C. Wood, Town Manager, said that the RIANG potentially could use the area for exercises or other DEM approved purposes.

The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

15-034 VOTED to open the report on the results of the 2014 Charrette.

Motion by Councilor David J. Place. Seconded by Councilor Stephen N. Rawson. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

VOTED to adopt the plan as it was presented.

Motion by Councilor David J. Place. Seconded by Councilor Michelle

D. Bouchard.

Discussion: The recommendations were reviewed and discussed.

The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

9. New Business:

15-047 VOTED to open the correspondence from Michael C. Wood, Town Manager regarding RhodeMapRI – Member of the Consortium.

Motion by Councilor David J. Place. Seconded by Councilor Kimberly Brissette Brown. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

VOTED to maintain our seat on the consortium and have Mr. Kravitz continue to represent us as he has.

Motion by Councilor David J. Place. Seconded by Councilor Kimberly Brissette Brown. The vote was unanimous by the six members

present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

15-048 VOTED to designate April 18, 2015 as Burrillville Earth Day.

Motion by Councilor David J. Place. Seconded by Councilor Nancy F. Binns. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

15-049 VOTED to table the correspondence from Oleg Nikolyszyn, Town Solicitor regarding solicitor's legal fees.

Motion by Councilor Kimberly Brissette Brown. Seconded by Councilor David J. Place. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

15-050 VOTED to open the request from the Warwick City Council for support of their resolution endorsing House Bill 2015 – H 5044,

Relating to Taxation – Levy and Assessment of Local Taxes.

Motion by Councilor David J. Place. Seconded by Councilor Stephen N. Rawson. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

Discussion: This act would create an exemption from taxation for certain residential property developments which have not been completed or, if completed, have not been sold and occupied. The matter was discussed.

VOTED to not endorse their resolution.

Motion by Councilor David J. Place. Seconded by Councilor Michelle D. Bouchard. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

15-051 VOTED to open a request from the Woonsocket City Council for support of their resolution regarding their objection to RISE Mayoral Academy.

Motion by Councilor Stephen N. Rawson. Seconded by Councilor David J. Place. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

VOTED to support their ongoing efforts.

Motion by Councilor Nancy F. Binns. Seconded by Councilor David J. Place. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

15-052 Consider and act on legislation pending before the Rhode Island General Assembly, as follows:

S 0284 Relating to Alcoholic Beverages – Retail Licenses

This act would provide that on and after July 1, 2015, any city or town council would have the authority to exempt said city or town from the prohibition against the issuance of certain alcoholic beverage licenses within two hundred (200') feet of a school or place of public worship.

VOTED to receive and file.

Motion by Councilor David J. Place. Seconded by Councilor Stephen N. Rawson. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

H 5296 Relating to Taxation – Property Subject to Taxation

This act would give cities and towns the option of entirely exempting the homestead of a disabled veteran or his or her surviving spouse from taxation.

VOTED to support.

Motion by Councilor David J. Place. Seconded by Councilor Stephen N. Rawson. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

H 5328 Relating to Taxation – Levy and Assessment of Local Taxes

This act would increase the maximum tax from eight percent (8%) to

twelve percent (12%) of gross scheduled rental income to be eligible for low-income housing.

VOTED to support.

Motion by Councilor David J. Place. Seconded by Councilor Stephen N. Rawson. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

H 5323 Relating to State Affairs and Government – Rhode Island Commerce Corporation

This act would direct the commerce corporation to facilitate the development of industrial parks located in any city or town by assisting in the pre-approval process for permitting on vacant parcels.

VOTED to support.

Motion by Councilor Nancy F. Binns. Seconded by Councilor Kimberly Brissette Brown. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and

David J. Place. Councilor Donald A. Fox was excused.

H 5332 Relating to Towns and Cities – State Aid

This act would permit municipalities to seek reimbursement for essential services provided to certain tax exempt properties based on pro rata basis according to the assessed value of the property serviced.

VOTED to table.

Motion by Councilor David J. Place. Seconded by Councilor Nancy F. Binns. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

H 5350 Relating to Labor and Labor Relations – Municipal Employees Disputes

This act would expand compulsory binding arbitration subjects for municipal employees to include money matters with new arbitration factors and allows a collective bargaining agreement to continue while negotiations on a successor agreement takes place.

VOTED to oppose.

Motion by Councilor Kimberly Brissette Brown. Seconded by Councilor David J. Place. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

H 5427 Relating to Towns and Cities

This act would provide that municipal insurance corporations be regulated by the RI Department of Business Regulations.

VOTED to open.

Motion by Councilor David J. Place. Seconded by Councilor Stephen N. Rawson. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

Discussion: John P. Mainville, Finance Director, reviewed his concerns related to potential impact on The Trust. The matter was discussed.

VOTED to oppose.

Motion by Councilor Kimberly Brissette Brown. Seconded by Councilor Michelle D. Bouchard. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

Other legislation of interest to the town which is pending before the general assembly: There was no further discussion of pending legislation.

10. Town Clerk/Communication:

15-053 VOTED to receive and file correspondence from the Burrillville Redevelopment Agency regarding their annual list of appointments.

Motion by Councilor Nancy F. Binns. Seconded by Councilor David J. Place. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

15-054 VOTED to open the correspondence from Donoghue, Barrett & Singal regarding Coastal Recycling, Inc.

Motion by Councilor Stephen N. Rawson. Seconded by Councilor

David J. Place. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

VOTED to receive and file and refer to The Trust.

Motion by Councilor Nancy F. Binns. Seconded by Councilor Michelle D. Bouchard. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

15-055 Correspondence from Nixon Peabody regarding Ocean State Power v Town of Burrillville.

VOTED to receive and file and refer the matter to The Trust.

Motion by Councilor Kimberly Brissette Brown. Seconded by Councilor Stephen N. Rawson. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

11. VOTED to receive and file reports #1 – 26, as follow:

- 1. Town Treasurer: Report of January 2015**
- 2. Burrillville Sewer Commission: Meetings of September 23, November 18 and December 9, 2014 and report of December 2015**
- 3. Tax Collector: Report of January 2015**
- 4. Department of Public Works: No report**
- 5. Chief of Police: Report of January 2015**
- 6. Office of Building Official: Report of January 2015**
- 7. Animal Control Officer: No report**
- 8. Parks and Recreation Department: No report**
- 9. Burrillville Extended Care: No report**
- 10. Emergency Management Agency: No report**
- 11. Information Systems Department: Report of February 2015**
- 12. Burrillville Housing Authority: Meetings of January 14, 2015**
- 13. Planning Board/Town Planner: No report**
- 14. Burrillville Conservation Commission: Meeting of January 13, 2015**
- 15. Recreation Commission: Meeting of December 8, 2014**
- 16. Ordinance Subcommittee: No report**
- 17. Redevelopment Agency: Meeting of December 2, 2015**
- 18. B-PAC: No report**
- 19. Personnel Board: Meetings of December 1 & 8, 2014 and January 28, 2015**
- 20. Screening Subcommittee: Meeting of January 15, 2015**
- 21. Budget Board: Meetings of January 15, 21, 22 & 29 and February**

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22. Burrillville School Committee: No reports

23. Rubbish & Recycling Committee: No report

24. Board of Canvassers: Meetings of October 14 and November 14, 2014

25. Juvenile Hearing Board: No report

26. Burrillville Extended Care Board of Directors: No report

Motion by Councilor Nancy F. Binns. Seconded by Councilor David J. Place. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

12. Additional New Business:

15-056 VOTED to grant the request for executive session from Michael C. Wood, Town Manager, pursuant to Rhode Island Open Meeting Law:

A) [§42-46-5 (a)(2)] for discussion and action relative to matters of litigation between the Town and TransCanada (Ocean State Power)

1. Appeal of assessments to RI Superior Court

2. Appeal to RI Supreme Court

3. Complaint filed in US District Court – District of RI

B) [§42-46-5(a)(2)] for discussion and action relative to collective

bargaining between the Town of Burrillville and FOP Lodge 27

Motion by Councilor David J. Place. Seconded by Councilor Michelle D. Bouchard. The vote was unanimous by the six members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Michelle D. Bouchard, Kimberly Brissette Brown and David J. Place. Councilor Donald A. Fox was excused.

There was a recess before executive session.

The Town Council returned to open session at 8:40 P.M. Note: Councilor Michelle D. Bouchard left the town building after having recused from the executive session discussion and action relative to collective bargaining between the Town of Burrillville and FOP Lodge 27.

VOTED to seal the minutes of executive session noting that three votes were taken.

Motion by Councilor David J. Place. Seconded by Councilor Stephen N. Rawson. The vote was unanimous by the five members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Kimberly Brissette Brown and David J. Place. Councilors Michelle D. Bouchard and Donald A. Fox were excused.

VOTED to adjourn at 8:40 P.M.

Motion by Councilor David J. Place. Seconded by Councilor Stephen N. Rawson. The vote was unanimous by the five members present. Voting in favor of the motion were Council President John F. Pacheco III and Councilors Stephen N. Rawson, Nancy F. Binns, Kimberly Brissette Brown and David J. Place. Councilors Michelle D. Bouchard and Donald A. Fox were excused.

The meeting was recorded.

Louise R. Phaneuf, Town Clerk